

### **Remarks**

Claims 5-21, 25-31, 33-41, 43-46, 49-59, and 61-73 are pending in this application (of which claims 7, 14, 28-31, 33-41, 43-46, 49-59, and 61-64 are withdrawn). Claims 5 and 70 are amended herein. Support for the amendment of claim 5 can be found in original claim 2, and in the specification at least at page 2, lines 29-31 and page 16, lines 17-21. Support for the amendment of claim 70 can be found in the specification at least at page 9, lines 31-33 and in the sequence listing.

No new matter is introduced by the foregoing amendments. After entry of this amendment, **claims 5-21, 25-31, 33-41, 43-46, 49-59, and 61-73 are pending (of which claims 7, 14, 28-31, 33-41, 43-46, 49-59, and 61-64 continue to be withdrawn)**. Consideration and allowance of the pending claims are requested.

#### *Election of Species*

The Restriction Requirement dated January 8, 2009, requests that Applicants elect a single species among SEQ ID NOs: 33-35 recited in claim 70. In response, Applicants elect SEQ ID NO: 33 for prosecution, with traverse. Applicants draw the Examiner's attention to the fact that SEQ ID NO: 33 and SEQ ID NO: 34 are identical 14 amino acid sequences, and SEQ ID NO: 35 differs from SEQ ID NOs: 33 and 34 by one amino acid substitution at position 2. Thus, Applicants submit that it would not be an undue burden on the Examiner to search each of SEQ ID NOs: 33/34 and 35. Reconsideration and withdrawal of the requirement to elect one amino acid sequence is respectfully requested.

Applicants have made a species election for initial prosecution, as required. In accordance with the current United States Patent and Trademark Office (USPTO) rules and guidelines, upon allowance of any claim directed to the elected species, the USPTO is under an obligation to search additional members of the genus.

*Request for Rejoinder*

Applicants remind Examiner Nguyen that claims to a product (Group II, claims 5-13, 15-21, and 25-27) have been elected and that method claims are included in this case that depend from or otherwise include all the limitations of claims to this product. These method claims are currently assigned to Examiner's Groups III and IV. Applicants expressly request that the method claims of Groups III and IV be rejoined with the product claims of Group II, and the claims examined at the latest upon the allowance of any of the product claims. It is believed that this is in accordance with the current Patent and Trademark Office Guidelines for Restriction Requirements in TC1600.

**Conclusion**

It is believed that the application is in condition for substantive examination. If any minor matters remain to be addressed prior to examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By /Anne Carlson/  
Anne Carlson, Ph.D.  
Registration No. 47,472